IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6856 of 2007()

(CRIME NO.76/07 OF ANGAMALY POLICE STATION)

PETITIONERS/ACCUSED NOS. 5 & 7:

1. **RAJESH @ KATTANKAPPI RAJESH,**
   S/O.BALAN, AGED 28 YEARS,
   KOLLARA HOUSE, MELOOR VILLAGE, ADICHILY KARA
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. **SAJI @ BARBER SAJI,S/O. VENU,**
   AGED 28 YEARS, ARUNIPARAMBIL HOUSE
   PALPILLY KARA, KIZHAKKUMURI VILLAGE
   KORATTY, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENT: STATE:

THE STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P. RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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B.A.No. 6856 of 2007

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Dated this the 13th day of November, 2007

ORDER

Application for regular bail. The petitioners are accused 5 and 7. They along with co-accused face allegations under Sec.326 and 307 IPC as also under Section 27 of the Arms Act. The alleged incident took place on 2.2.07. The petitioners were arrested on 9.9.07. The petitioners entertained animosity against the victim due to the alleged illicit relationship between the wife of the 1st accused and the victim. The petitioners along with the co-accused attacked the victim with dangerous weapons thereby causing him serious injuries, resulting in the amputation of both his legs. The petitioners continue in custody from 9.9.07. Some of the co-accused have already been enlarged on bail.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They may now be enlarged on bail. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the co-accused were released on bail taking note of the fact that there was no specific overt act attributed against them. Investigators in a serious

crime like this are certainly entitled to further time to complete the investigation, submits the learned Public Prosecutor.

3. Having considered all the relevant circumstances, I am satisfied that the petitioners can now be directed to be enlarged on bail, subject to appropriate conditions.

4. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order prior to 23.11.2007. The Investigating Officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall not enter the Sessions Division of Ernakulam except for the purpose of complying with condition No.iv below for a period of three months.

iv) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three

months. During the said period of three months, the petitioners shall keep the Investigating Officer informed of their place of residence outside the Sessions Division of Ernakulam. Thereafter, they shall make themselves available for interrogation before the Investigating Officer as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

sj

/true copy/-

P.A. to Judge